

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MEDICINE-ON-TIME, LLC, and  
MULTI-COMP, INC.,

Plaintiffs,

- against -

MED ON TIME CORP.,

Defendant.

**ORDER**

21 Civ. 7903 (NRB)

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

WHEREAS, on September 23, 2021 plaintiffs Medicine-On-Time LLC and Multi-Comp LLC filed a complaint alleging trademark infringement and unfair competition under Federal and New York law against Med On Time Corp., a company registered in New York that has not made any corporate filings to the New York State Department of State since August 2017, (ECF No. 2);

WHEREAS, on November 1, 2021, the summons and complaint were served on defendant by service on the New York State Secretary of State, (ECF No. 9);

WHEREAS, on August 23, 2022, plaintiffs sought a Certificate of Default that was issued by the Clerk of Court, (ECF Nos. 11-12);

WHEREAS, on March 14, 2023, nearly seven months after obtaining the certificate of default, plaintiffs filed a motion

for default judgment on March 14, 2023, (ECF No. 13);

WHEREAS, on March 15, 2023, during a conference, this Court raised the concern that the defendant did not have actual notice of the complaint because the company had a "past due date" statement status with the New York Department of State and advised plaintiffs to notify defendant of the case through other means;

WHEREAS, on June 1, 2023, this Court further advised plaintiffs that a good address for defendant might be obtained by subpoenaing the defendant's registered agent listed on the New York Department of State website;

WHEREAS, after seeking to reach plaintiffs' counsel in July 2023, the Court scheduled an August 3, 2023 conference during which plaintiffs' counsel represented that he would file a voluntary dismissal without prejudice within thirty days;

WHEREAS, on September 6, 2023, after plaintiffs did not file their voluntary dismissal, this Court contacted plaintiffs' counsel, who requested a ten-day extension that was granted;

WHEREAS, on September 28, 2023, this Court again sought to contact plaintiffs' counsel because no voluntary dismissal had been filed following the extension but did not receive a response;

WHEREAS, on October 4, 2023 this Court again contacted plaintiffs' counsel who represented that he would discuss the

dismissal with plaintiffs;

WHEREAS, on October 16, 2023, this Court again contacted plaintiffs' counsel but did not receive a response;

WHEREAS, on October 18, 2023, this Court again contacted plaintiffs' counsel but did not receive a response; and

WHEREAS, this Court has made every effort to assist plaintiffs' counsel in the prosecution of this case, but plaintiffs' counsel has failed to do so; it is hereby

**ORDERED** that plaintiffs' motion for entry of default judgment is denied because this Court has no assurance that the plaintiffs have actually notified defendant of this action; it is further

**ORDERED** that this case is dismissed with prejudice. The Clerk of Court is respectfully ordered to terminate the motion at ECF No. 13 and close the case.

Dated: New York, New York  
October 24, 2023



NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE